

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: *12-15-20*

UNITED STATES OF AMERICA,

- against -

KEVIN ALLER,

Defendant.

00-cr-977 (JGK)
11-cv-9089 (JGK)
A amended
ORDER

12/15/20

JOHN G. KOELTL, District Judge:

The Court has received the attached letter from the defendant again seeking compassionate release. The Court recently denied an earlier application for compassionate release without prejudice. The Court noted that it had reduced the defendant's sentence under the First Step Act to a point that was consistent with the section 3553(a) factors and that no further reduction was warranted. The defendant does not explain how those factors have changed in the brief period after the Court reduced the defendant's sentence. Moreover, before considering a renewed application, the defendant is required to exhaust his administrative remedies by making an application to the Bureau of Prisons for such relief and waiting at least 30 days to see if his application is granted.

The defendant does raise questions about whether his alleged physical complaints are being cared for by the Bureau of Prison. Therefore, the Government is requested to report to the

Court on the defendant's physical condition and what is being done about the defendant's complaints.

The Court notes that the Federal Defenders were appointed to represent the defendant in connection with an application under the First Step Act but not with respect to the application for compassionate release. But the Federal Defenders are being copied on this order.

The defendant's renewed application for compassionate release is denied without prejudice to renewal.

SO ORDERED.

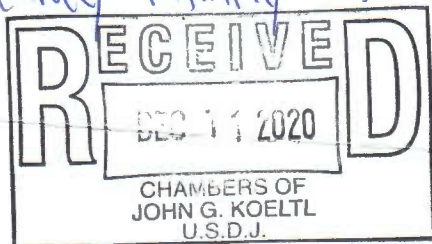
Dated: New York, New York
~~September 11, 2020~~
December 15, 2020

/s/ John G. Koeltl
John G. Koeltl
United States District Judge

11-30-20

THE HONORABLE JOHN G. KOELTL

It's me Mr Koeltl, I want to say may God Bless you & THE Family (amen) I'm writing asking you, can I submit another COMPASSIONATE RELEASE. DUE TO THE FACT! OF THE RISE IN COVID 19, IT NOW RISEN SO HIGH HERE IN M.D.C. Bkly. I NEVER MADE IT TO A UNIT. MAC NOW LOCK ME DOWN IN A ISOLATION UNIT B/C THEY SAID SOME ONE ON MY BUS, OR WHEN THEY LET ME, & THE OTHER 13 PEOPLE OUT TO USE THE PHONE, SHOWER, THAN THEY LOCK 9 MORE PEOPLE UP. THAN 3 MORE ALL THIS IN ONE UNIT, MR KOELTL I'M SO AFRAID B/C THEY LOCK YOU IN A CELL & DON'T PAY YOU NO MIND, WHERE YOU CAN & WILL DIE IN THE CELL & THEY WILL LIVE TO YOUR FAMILY. MR. KOELTL MY HEALTH IS GETTING VERY VERY BAD. I PRAY & HUMBLY ASK YOU TO TAKE ANOTHER LOOK AT MY SITUATION. & THIS DEADLY DISEASE. I DON'T WANT MY LIFE TO END LIKE THIS. B/C EVEN TRAVEL BACK TO MY JAIL. IS A DEATH SENTENCE I WANT TO BE ABLE TO KISS MY MOTHER, DAUGHTER, GRAND KIDS. I ALSO WANTED TO LET YOU KNOW THAT MY HOME DETENTION ELIGIBILITY DATE IS 8-15-2043, SO I'M ELIGIBLE FOR A HALFWAY HOUSE IN 3 YEARS & WE RIGHT AROUND THE CORNER FROM 2021. SO I HAVE 2 YEARS LEFT MR. KOELTL I'M ASKING YOU CAN I SET HOME CONFINEMENT DUE TO THIS RECENT OUT BREAK!! MR. KOELTL IT'S PICKING UP IN HERE SO MUCH I'VE BEEN ASKING TO SEE THE DOCTOR FOR 4 DAY'S I STILL HAVEN'T SEEN A DOCTOR B/C I'VE BEEN GETTING SHARP, SHARP PAINS IN MY HEART I'M SO GRATEFUL, SO GRATEFUL MR. KOELTL FOR MY RESCUE. YOU SAVE ME ANOTHER SHOT AT LIFE & WON'T LET YOU DOWN, NOR MY FAMILY & SELF BUT CAN YOU PLEASE LOOK INTO THIS, I DON'T WANT TO DIE IN HERE B/C I CAN'T BE AFFORDED, PROPER ATTENTION. I JUST WANT TO BE WITH MY FAMILY IT'S BEEN 20 YEARS



God Bless you!!

THANK YOU SO MUCH